

Atty Dkt. No.: 10981712-2  
USPN: 09/819,923

#### REMARKS

The Examiner is respectfully requested to withdraw the rejections and allow Claims 22-24 and 27-28 and 31-48, the only claims pending in this application.

In the Office Action, item 4 of the "Disposition of Claims" does not reflect that Claim 28 is pending in the application, however Claim 28 has not been cancelled and item 6 of the Office Action acknowledges that Claim 28 is pending and is rejected. The Applicants request the Examiner to acknowledge that Claim 28 is pending in the application in the next communication.

#### REJECTION UNDER 35 U.S.C. §103(a)

Claims 22, 28, 31 and 44 were rejected again under 35 U.S.C. §103(a) as being unpatentable over Milton (US 6,146,833) over Deeg et al. (US 5,338,688). The Applicants note that Claim 31 is indicated as allowable at item 5 of the "Disposition of Claims" section of the Office Action and in the Summary section of the Office Action and as such believe the rejection of Claim 31 to be in error. The Applicants request the Examiner to confirm such in the next communication. The Applicants will respond to this rejection with respect to Claim 27, 28 and 44.

The Examiner states that Applicants' response filed 12/16/03, responsive to the Office Action dated September 16, 2003, has been considered but is not persuasive. The Examiner states that Applicants' previously filed response asserted that neither Milton nor Deeg et al. teach or suggest a firing chamber of thermal inkjet with an orifice. However, the Applicants respectfully submit that the Examiner is mis-characterizing the Applicants' remarks of the 12/16/03 response. What Applicant did assert in that response is that neither Milton nor Deeg et al. teach the claimed step of loading a fluid into a thermal inkjet head having an orifice and a firing chamber by contacting the orifice with a fluid in a manner sufficient for the fluid to flow through the orifice and into the firing chamber.

As previously submitted, Milton merely teaches that in making arrays, "...thermal inkjet printing techniques utilizing commercially available jet printers and piezoelectric microjet printing techniques...can be utilized to spot selected solid support surface sites with selected derivative biopolymers." (col. 12, lines 57-62). Accordingly, Milton does not teach or even suggest the method of loading a firing chamber as claimed.

Deeg et al. fail to make up for the deficiencies of Milton as Deeg et al. do not teach loading a fluid into a thermal inkjet head having an orifice and a firing chamber by contacting the orifice with a fluid in a manner sufficient for the fluid to flow through the orifice and into the firing

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chamber. In fact, Deeg et al. teach that the jet chamber 4 of jet 5 is connected, via line 12 with a filter 13, to a reservoir 14 for analytical liquid 6. In other words, Deeg et al. teach a reservoir from which analytical liquid is transferred to the jet.

Accordingly, the Applicants respectfully submit that the cited references fail to teach or suggest a method of loading a fluid into a thermal inkjet head as claimed in independent Claims 27 and 44, and the claims that depend therefrom. If the rejection of these claims is maintained, the Applicants respectfully request the Examiner to specifically point to the description of loading a fluid into a thermal inkjet head having an orifice and a firing chamber by contacting the orifice with a fluid in a manner sufficient for the fluid to flow through the orifice and into the firing chamber, in the cited references.

As such, for at least the reason that Claims 27, 28 and 44 specify a step of loading a fluid into a thermal inkjet head having an orifice and a firing chamber by contacting the orifice with a fluid in a manner sufficient for the fluid to flow through the orifice and into the firing chamber, and such is not taught or suggested in the cited references, the Applicants submit that a *prima facie* case of obviousness cannot be made. As such, the Applicants respectfully submit that a proper *prima facie* case of obviousness cannot be made and thus request that this rejection be withdrawn.

Claims 45-48 were rejected again under 35 U.S.C. § 103(a) as being unpatentable over Milton (US 6,146,833) over Deeg et al. (US 5,338,688) and in further view of Cornell (US 6,132,030). The Applicants respectfully submit that Claims 45-48 are patentable over these cited references.

Claims 45-48 depend from Claim 44. As described above, Milton and/or Deeg et al. fail to teach all the claim limitation of Claim 44 for at least the reason that Milton and Deeg et al. alone or in combination fail to teach or suggest a method of loading a firing chamber as claimed in Claim 44 and Claims 45-48 by virtue of their dependency therefrom. As Cornell is cited solely for teaching the use of specific power requirements in determining the heat power density for ejecting from thermal inkjet, Cornell fails to make up for the deficiencies of Milton and Deeg et al.

Accordingly, for at least the described above, the Applicants respectfully submit that a proper *prima facie* case of obviousness cannot be made and thus request that this rejection be withdrawn.

#### ALLOWABLE CLAIMS

Claims 22-24, 31-33, 34-38 and 39-43 are indicated as allowable. The Applicants thank the Examiner for this indication of allowance.

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CONCLUSION

The applicant respectfully submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Gordon Stewart at 650 485 2386. The Commissioner is hereby authorized to charge any fees which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1078, reference no. 10981712-2.

Respectfully submitted,

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